

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff

v.

RICHARD J. HARLEY,

Defendant

No. 3:12-cr-224

Honorable A. Richard Caputo

BRIEF IN SUPPORT OF MOTION FOR THE
APPOINTMENT OF NEW COUNSEL

The Sixth Amendment provides that it is compulsory process for obtaining witnesses in his or her favor and to have effective assistance of Counsel.

An appointment of new Counsel is necessary for the following reasons:

1. Mr. O'Brien was appointed new Counsel for the Defendant on April 28, 2014.
2. First meeting with Mr. O'Brien at my home on May 29, 2014, at 4:00 pm.
3. Defendant provided Mr. O'Brien a complete witness list at the meeting.
4. Mr. O'Brien stated he would file a Motion for Reconsideration on the Suppression once he was shown the warrant was filed 15 days after the search of August 29, 2012


5. On Fri May 30, 2014 @ 1:33 pm the Defendant emailed Mr. O'Brien a complete Search Warrant.
6. On June 2, 2014 @ 8:38 am the Defendant emailed Mr. O'Brien a copy of the Search and Seizure Warrant that was filed with the Clerk of Courts 15 days after the search. Also, provide a copy of the application for the Search Warrant with a non-existent case number.
7. On June 2, 2014 @ 10:17 am the Defendant emailed Mr. O'Brien (with attachments) requesting him to file a Motion regarding a void judgment on a non-existent company from a key witness for the Prosecution.
8. On June 16, 2014, @ 7:24 pm the Defendant sent an email to Mr. O'Brien (with attachments) regarding the matter of Subornation of Perjury and Perjury on statements made by two of the Prosecutions Key witness to the Grand Jury.
9. On July 3, 2014 @ 8:34 pm defendant sent an email to Mr. O'Brien regarding important Discovery Material that was seized by the FBI and also to make an appointment with AUSA Brandler for the Investigator Bill Hague to make copies of the original Oil Promissory Demand Note and Collateral of Assignment.
10. On August 6 2014 @ 6:46 pm the Defendant emailed Mr. O'Brien, requesting a Forensic Accountant to render a report on RJH and Company, Incorporated assets.
11. On November 3, 2014 @ 4:29 pm the Defendant received an email from Mr. O'Brien stating his position with respect to the

Defendants Witness List why he would only be calling two out of twenty two witnesses, which is unacceptable.

12. It is important to note that a second copy of the Defendants Witness List was presented to Mr. O'Brien and Bill Hague, the Investigator at a meeting at my home August 13, 2014 @10:30 am, Mr. O'Brien indicated he had misplaced the first copy given to him on May 29, 2014.

WHEREFORE, this Court for the reasons cited herein should grant the Defendant, Richard J. Harley's Motion For The Appointment of New Counsel.

Respectfully Submitted,



Richard J. Harley
P.O. Box 306
Shawnee on Del. Pa. 18356
570-476-6990

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Motion and Brief in Support of Defendant Richard J. Harley was served by first class mail; postage prepaid this 1st day of December 2014 on the law offices of Oliver Price & Rhodes, Attorney, Joseph A O'Brien 1212 South Abington Road, P.O. Box 240 Clarks Summit, Pa. 18411

Dated: December 1, 2014

Respectfully Submitted,


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